



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 31 मई, 1980/10 ज्येष्ठ, 1902

हिमाचल प्रदेश सरकार

HOUSING DEPARTMENT

NOTIFICATION

Simla-2, the 9th May, 1980

No. 7-3/74-Housing.—In partial modification of this department notification of even number, dated the 15th July, 1977, the Governor, Himachal Pradesh, in exercise of the powers vested in him under section 3 read with section 5 (1) of the Himachal Pradesh Housing Board Act, 1972 (Act No. 10 of 1972) as amended up-to-date, is pleased to appoint Shri Rup Singh Chauhan, M.L.A., as member of the Himachal Pradesh Housing Board and also to appoint him as Chairman of the Housing Board with immediate effect, for a period of three years.

H. C. MALHOTRA,
Secretary.

REVENUE DEPARTMENT NOTIFICATIONS

Simla-171002, the 7th May, 1980

No. 10-9/69-Rev-A.—In supersession of the Himachal Pradesh Government Notification No. 10-9/69-Rev-A, dated the 28th May, 1979 and in exercise of the powers conferred by sub-section (1) of section 35 of the Himachal Pradesh Land Revenue Act, 1953 (Act No. 6 of 1954) and all other powers enabling him in this behalf, the Governor of Himachal Pradesh is pleased to fix the following scale of mutation fees for the purpose of that item/section with effect from 18th April, 1980:—

<i>Name of item/Section</i>	<i>Scale of fees</i>
1. When the entry relates to the acquisition of a right or interest by a registered deed or by a decree or order of a court or by an order of Revenue Officer making or affirming a partition under Chapter IX of the Land Revenue Act or directing the incorporation in the record of a private partition.	A fee of 0.40 paise shall be charged on each proprietary holding: Provided that where the land revenue does not exceed Rs. 5/- the fees shall be 0.25 paise only.
2. When the entry relates to the acquisition of a right or interest by inheritance.	10 paise per rupee on the revenue assessed: Provided that when the revenue does not exceed Rs. 5/- the fee shall be 45 paise and when the revenue exceeds Rs. 5/- but does not exceed Rs. 25/- the fee shall be 75 paise: Provided further that in these cases not more than one fee shall be charged on the acquisition in one and the same village of a right or interest in one and the same capacity although entries may have been made in more than one proprietary holding.
3. When the entry relates to the acquisition of a right or interest not otherwise provided for in paragraphs 1 and 2 above.	10 paise per rupee of the revenue assessed on each proprietary holding: Provided that when the revenue of any proprietary holding does not exceed Rs. 5/- the fee on that holding shall be Re. 1/- and when the revenue exceeds Rs. 5/- but does not exceed Rs. 20/- the fee shall be Rs. 1.50 paise.
4. The above fee shall be charged on all mutations whether accepted or rejected:	

Provided that the attesting office may remit the fee on any rejected mutation when in his opinion it would not be proper to recover it from the person in whose favour the mutation was entered.

5. Two-fifths of the fee charged shall be paid to the patwari making the entry in the register, the balance being credited to Government.

6. In any case in which the fee payable under the foregoing provisions is found to be excessive in amount with reference to the value of the right or interest transferred or for any other reason, the Commissioner may either remit the fee or reduce it to such amount as he deems to be reasonable.

7. Notwithstanding anything contained in the preceding paragraphs, no fees shall be charged in respect of entries relating to the acquisition of a right or interest by the Bhudan Yagna Board or the Bhudan holder under the Himachal Pradesh Bhudan Yagna Act, 1954 (Act No. 2 of 1956) or by inheritance in the property of any person, in any of the naval, military or air forces of the Union of India:—

- (a) who is killed on active service in the Second World War; or
- (b) who receives a wound or is involved in an accident or contracts a disease while on such service and dies within twelve months as a result of such wound, accident or disease.

Simla-171002, the 7th May, 1980

No. 10-9/69-Rev-A.—In exercise of the powers conferred by clause (d) of sub-section (1) of section 168 of the H.P. Land Revenue Act, 1953 (Act No. 6 of 1954) and all other powers enabling him in this behalf, and in supersession of Notification No. 10-9/69-Rev-A, dated the 28th May, 1979, the Financial Commissioner, Himachal Pradesh makes the following rules prescribing the fees for inspection and for copies or extracts from records maintained by the Patwari:—

1. (1) These rules may be called the H.P. Land Revenue (Fees for Inspection and Copies or Extracts from Patwaris Records) Rules, 1980.

(2) They shall come into force with effect from 18-4-1980.

2. (1) The Patwari shall allow any person interested to inspect his records and to take notes therefrom in pencil in his presence. He shall give to applicants certified extracts and enter in his diary a note of the inspections allowed and extracts given. The following fee shall be charged in each case:—

A—COPIES OR EXTRACT FROM

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| <ol style="list-style-type: none"> 1. Jamabandi including extracts called for by courts or officers in connection with the preparation of abstracts of yields. 2. Inspection notes attached to Jamabandis. 3. Fard Bardar. 4. Copy of pending mutation. 5. Integogatories in pending mutations. 6. Counterfoil of mutation sheets. 7. List of phats and ghasnis (grazing plots) attached to the settlement records of rights of each estate in the Kulu district. | <p>60 paise per khatauni holding upto 8 holdings and above that number 15 paise for every additional holding.</p>
<p>(a) For the first 200 words or under: Rs. 1.15 paise.</p> <p>(b) For every additional 100 words or fraction thereof 60 paise.</p> |
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| 8. Misal Haquiat. | As for Sl. No. 1. |
| 9. Fard Haquiat consisting of names of proprietors (or occupancy tenants), total number of fields, area, land revenue and rates and cesses. | A fixed charge of 60 paise irrespective of the number of Khewats. |
| 10. List of co-shares of proprietary or occupancy holdings. | Rs. 1.15 paise for each application. |
| 11. Genealogical trees of landholders, occupancy tenants or muquarridars. | As for Sl. No. 2 above. |
| 12. Statement of wells and other sources of irrigation. | |
| 13. List of pensions and assignments. | |
| 14. Wajib-ul-arz:— | |
| (a) Naqsha Haqua Jandrat wa Panchaki. | Rs. 1.15 paise for each application provided that each application shall be limited to not more than two harvests. (No fees being charged if copies are required for recovery of arrears of land revenue). |
| (b) Fard Bachh or Dhal Bachh (Asamiwar). | |
| (c) Demand statement (Canal). | Rs. 1.15 paise for each application. |
| 15. Tariqua bachh and | As for Sl. No. 2. |
| 16. Orders of Settlement Officers | |
| 17. Khasra Girdawari including extracts from Khasra Girdawari called for by courts or officers in connection with the preparation of 5 yearly abstracts of Yields. | 60 paise for entries in a single volume relating to one field and 30 paise for each additional field. |
| 18. Diaries | 60 paise for each entry made on one subject on any one date. |
| 19. Field Books. | 60 paise for first ten fields or under and 30 paise for every additional 4 fields or part thereof. |
| 20. Statement of grazing dues | Rs. 1.15 paise for each application no fees being charged if copies are required by Lambardars for recovery of arrears of grazing dues and Chaukidara tax. |
| 21. Extracts from chaukidar's assessment list. | |
| 22. Statement contained village note book. | 60 paise per statement irrespective of years. |
| 23. Abstract of quinquennial average of mutations. | Rs. 2.25 per statement. |
| 24. Parcha Books. | Cost price of the book plus 15 paise per khatauni holding. |

B—INSPECTIONS

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| 25. Inspection of papers relating to one quinquennial including relevant entries of the mutation registers. | Fixed charge of Rs. 1.15 paise for each inspection. |
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C—PREPARATION OF PLANS AND TRACINGS

26. Tracing of field map. 15 paise for each field upto 32 fields and 30 paise for every additional 4 fields subject to a minimum charge of 60 paise.
27. Tracing of Tatima Shajra. 15 paise for each field upto 32 fields and 30 paise for every additional 4 fields subject to a minimum charge of 60 paise.
28. Preparation of plans called for by courts or officers in connection with civil and revenue suits. 15 paise for each field upto 32 fields and 30 paise for every additional 4 fields subject to a minimum charge of 60 paise.

(2) For the purpose of fee for copies or extracts from Jamabandi in rent cases, the total number of Khatauni holdings should be taken into account irrespective of the fact whether they are cultivated by the owner himself or by tenant or sub-tenant and in calculating the fee the number of khewats of which the extracts are given may be ignored:

Provided that the fee in respect of extracts under Sl. No. 17 and plans under Sl. No. 28 prepared in connection with the temporary alienation of land in satisfaction of a decree of a civil court shall not exceed Rs. 10/- in a single case irrespective of the fact whether the extracts are prepared from a Jamabandi or register of Khasra Gir-dawari or both and whether or not they involve the preparation of a plan:

Provided further that a list of co-sharers shall not be prepared and supplied without the previous sanction of the Collector unless required in connection with a revenue, civil or criminal case.

(3) In the case of inspection of Patwaris record by the Sub-Inspectors or Inspectors of the Co-operative Societies under Sl. No. 24, the fee shall be 50 paise only.

(4) Fraction of a rupee less than 50 paise shall be rounded off to fifty paise while fractions in excess of 50 paise shall be rounded off to one rupee.

3. The fee realised shall be credited into Government treasury half yearly under the Head "029—Land Revenue Misc. Copying and Inspection Fee of Patwaris Records."

4. Patwaris shall not prepare and supply copies or extracts of papers not shown in the above table.

5. (1) No fee for doing work for the State Government, such as the preparation of an extract from the revenue records to show the property owned by an absconding criminal, shall be charged. Patwaris shall however, not be required to furnish such an extract without a special order of the Deputy Commissioner in each case, and such an order shall only be passed if the case is of real importance.

(2) Copies required for public purposes by public Officer of the Central or State Government as defined in section 2 (17) of the Code of Civil Procedure shall be supplied free of charge.

(3) The Patwari is forbidden to give copies except on lithographic forms which are supplied to him. On the top of each of these forms the words "Receipt No." shall be printed. The number of the receipt handed over by the Patwari to the applicant shall invariably be entered by the Patwari. Where the entry receipt number is not printed on the form, the Patwari shall record this entry in his own hand and insert therein relevant receipt number. He shall note in red ink in the copy of the Jamabandi entry required by rule 15 of the rules under the H.P. Tenancy and Land Reforms Act, all mutations affecting the Khatauni holding which have been attested subsequent to the preparation of the Jamabandi.

(4) The accounts of fee realised by Patwaris shall be kept in the register in form P-XII given in appendix-A, which will be supplied to them. The Field Kanungo shall check the register every month when he goes to the Patwaris circle and shall sign it in token of his having done so. The Tehsildar or the Naib-Tehsildar shall also check it when inspecting the Patwari's work. During September, when the Patwari comes to the tehsil, he shall bring register with him for check by the Tehsil Wasil-baqi-Nawis.

(5) The Patwari shall be supplied with a printed receipt book in triplicate in which every amount realised by him shall be recorded. One foil shall be handed over to the payee and the second sent to the tehsil Wasil-baqi-nawis through the Field Kanungo with the half-yearly demands statements. As soon as the receipt book is exhausted, the Patwari shall return the counterfoil to the Office Kanungo and obtain from him a new receipt book in exchange.

6. (1) Any person wishing to obtain certified copies of revenue records from the Patwari by value payable post (VPP) may apply to the Patwari for this purpose giving sufficient intimation to enable the Patwari to make out the copy, provided a post office is located within the circle of the Patwari. The application need not bear any court-fee stamps. Only one application would suffice for any number of copies asked for. The Patwari shall supply the required copies through value payable post (VPP) within four days of the receipt of application and shall levy the following charges in addition to those already prescribed under the rules for preparing copies of revenue records:—

- (i) Postage charges by weight for the packet containing copies of revenue records to be sent;
- (ii) Value payable post (V.P.P.) charges;
- (iii) Registration fee; and
- (iv) Fifty Paise as remuneration for inconvenience and extra work caused to him.

(2) The charges mentioned in clause (i) to (iv) of sub-rule (1) of this rule shall be deemed as "other charges" under section 103 of the H.P. Land Revenue Act, 1953 and, as such, shall be recoverable as arrears of Land Revenue when the packet containing copies of revenue records sent by value payable post, is refused by an applicant.

7. (1) Each Patwari shall have at a time only one receipt book bearing printed book and receipt number and only one copying fee register.

(2) A requisition form, as in the case of cheque books shall be pasted in the printed receipt book, to enable the Patwari to communicate his demand to the Office Kanungo, well in time, so that as soon as the receipt book is exhausted, the former shall return the counter foils to the latter and obtain from him a new receipt book in exchange which shall contain a certificate from the Tehsildar that the

receipt book contains so many certified number of pages, which are numbered in proper consecutive order.

(3) The Office Kanungo of the Tehsil concerned shall be held personally responsible for the issue of receipt books and copying fee registers to Patwaris. The Patwaris shall submit a report one month ahead through the Field Kanungo of the circle, who shall verify the report of the Patwari and send it to the Tehsildar concerned. The Tehsildar shall order the Office Kanungo to issue the copying fee register/receipt book to the Patwari after satisfying himself that the ones issued previously have been actually exhausted and deposited with him and that accounts in this behalf have also been rendered by the Patwari.

(4) In case the Patwari sends the exhausted register to Tehsil Office Kanungo earlier than September before it is checked by the Wasil-Baqi-Nawis, the Tehsil Office Kanungo shall hand over the said register to the Patwar concerned in the month of September, when he (Patwari) comes to the Tehsil for filing the annual and quinquennial statements and Jamabandis in the Tehsil land records office, and the latter shall then get it checked by the Wasil-Baqi-Nawis and return the same to the Office Kanungo.

(5) The Patwari shall also retain a copy of the entries of the register, made after the despatch of the last half-yearly demand on account of copying and inspection fee, to the Tehsildar, to enable him to prepare the demand for the next half year.

(6) A copying fee register shall be issued only after a certificate has been recorded on it by a Revenue Officer to the effect that it contains so many pages and has been issued under his signatures with the seal of the court.

(7) The Office Kanungo shall keep a clear record of "Book Numbers" of the receipt books issued to each Patwari.

(8) The Tehsil Office Kanungo shall maintain a ledger account for each Patwari in which shall be recorded the number of receipt books issued to the Patwari and the number of receipts issued by the Patwari every half year. The latter information can be had from the second foil of receipts received by the Wasil-Baqi-Nawis through the Field Kanungo with the half-yearly demand statements. While posting receipt numbers in the ledger, and gap in numbers shall be investigated immediately.

8. (1) The Patwari shall enter in his diary (a) the field numbers and khatahs of which an extract applied for relates, (b) the fees charged for the extract, and (c) the names of persons from whom charged. Inspecting Officers shall verify from time to time by enquiry from the parties concerned whether the sums entered in the diary were actually paid.

(2) Copies of the schedules of rates to be charged for extracts etc. shall be printed in Hindi and distributed and broadcast in every village. The schedule shall also contain a note to the effect that the applicant may insist on obtaining a receipt from the Patwari for the amount paid and should see that the receipt number is given on the copy supplied to him, and that any person who is required to pay for work for which no fee is prescribed in or to make any excess payment may report the matter to the Tehsildar.

(3) A printed copy of the schedule shall also be exhibited at patwarkhanas, tehsils, panchayat-gahs, village schools and other places of public resort.

(4) If a Patwari fails to supply a copy of the revenue records or charges a fee in excess of the prescribed rate, disciplinary action shall be taken against him.

9. (1) Each Patwari shall prepare a statement showing the fees realised from first April to 30th September and submit it to the Field Kanungo of his circle by the 10th of October. He shall prepare a similar statement for the period first October to 31st March and send it on to the Field Kanungo by the 10th April. These statements shall show the name of the village and the amount of fee recoverable during each month of the two periods noted above together with the total of the circle. When submitting these statements, the Patwari shall note in the register maintained by him under the rules, the dates of their submission together with the period to which they relate. The Field Kanungo shall prepare a consolidated statement by villages giving the total of his circle and submit it to the Tehsil Wasil-Baqi-Nawis by the end of October and April each year. The Tehsil Wasil-Baqi-Nawis shall see that the amount deposited by the Patwari at the end of each month tallies with these statements.

(2) On receipt of these statements the Tehsil Wasil-Baqi-Nawis shall prepare, in duplicate, a consolidated statement of the whole tehsil and submit it through the Sadar-Wasil-Baqi-Nawis to the Collector for sanction so as to reach his office on the 15th November and 15th May, at the latest. After obtaining the necessary sanction, the Sadar-Wasil-Baqi-Nawis shall note the demand in his register and return the duplicate copy of the statement to the Tehsildar by the end of November and May, at the latest. These statements shall be attached to the qistbandi as demand statements of copying and inspection fees of Patwaris records.

(3) The half-yearly demand statements together with the receipt referred to in rule 7 (1) shall be destroyed after three years, while the books of counter-foils referred to in the same rule shall be destroyed after one year in the presence of the Tehsildar. The consolidated demand statement for the whole tehsil that forms a part of the qistbandi, will be destroyed along with the latter *i.e.* when the new settlement is sanction.

10. *Repeal and Savings.*—(1) Rule 71 of the Punjab Land Revenue Rules as applied to Himachal Pradesh *vide* notification No. R. 81-18/49/7, dated the 9th February, 1949 and as in force in the areas added to Himachal Pradesh *vide* section 5 of the Punjab Re-organisation Act, 1966 shall stand repealed.

(2) Notwithstanding the repeal of rule 71 aforesaid, anything done or any action taken or any fee charged under the said rule shall be deemed to have been done, taken or charged under these rules.

APPENDIX A

FORM P—XII

[Rule 5 (4)]

REGISTER SHOWING THE AMOUNT OF FEE REALISED FOR INSPECTION OF RECORDS AND GRANT OF CERTIFIED EXTRACTS THEREOF

1. Serial No. as given in the village diary
2. Name of village

3. Date
4. Name of Applicant
5. Whether the application was presented by the applicant personally or received by post.
6. Nature of paper of which copy or inspection is desired.

DETAILS OF WORK

7. Khatauni No. (Sr. No. 1 and 2)
8. No. of works (S. No. 3)
9. Field Nos. (S. Nos. 4, 6, 8, 9 and 10)
10. Date of entry (S. No. 5)
11. No. of Inspection (S. No. 7)
12. Amount of fee realised by the applicant personally

AMOUNT OF FEE OF EXTRACTS BY V.P.P. SUPPLIES

13. Fee
14. Postage charges
15. V.P.P. charges
16. Registration fee
17. Remuneration for inconvenience and extra work to the Patwari at 0.50 paise.
18. Total of columns 13 to 17
19. No. and date of V.P. letter
20. No. of receipt given by the Patwari to the applicant in acknowledgement of amount of fee.
21. Signature of Patwari
22. Signature of Kanungo
23. Date of receipt of amount of V.P.P. entered in column 20
24. Amount credited to Government with date and dakhila No.
25. Remarks and attestation of W.B.N. and other officers

N.B.—The serial Nos. referred to in columns 7—11 refer to the serial Nos. in the table given in paragraph 3.48 of Himachal Pradesh Land Records, Manual.

P. P. SRIVASTAVA,
Secretary.

